

SENATE BILL REPORT

SB 5142

As of January 19, 2009

Title: An act relating to improving education and employment opportunities for individuals with criminal convictions.

Brief Description: Improving education and employment opportunities for individuals with criminal convictions.

Sponsors: Senators Regala, Carrell and Kline.

Brief History:

Committee Activity: Human Services & Corrections: 1/30/09.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

Background: As part of offender reentry legislation in 2007 (SB 6157), the Legislature directed the Department of Licensing (DOL) to convene and chair a work group to review and recommend changes to occupational licensing laws and policies to encourage the employment of individuals with criminal convictions while ensuring the safety of the public.

Specifically, DOL was required to:

- review approaches used by other states and jurisdictions;
- develop a process for licensing agencies to determine whether a criminal conviction renders an applicant an unsuitable candidate for a license or whether a conviction warrants revocation or suspension of a license previously granted;
- develop guidelines for potential applicants that reflect the most common or well-known categories of crimes and their relation to specific license types; and
- establish mechanisms for making information regarding the process and guidelines easily accessible.

A report and any recommended legislation was required to be submitted to the Governor and the Legislature no later than November 15, 2008.

DOL convened a work group in 2008 and met several times. While the group gathered substantial information regarding current state processes and the approaches of other

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jurisdictions, it did not complete the tasks assigned to it by the Legislature. DOL has requested further time in order to appropriately address these issues.

DOL regulates or has oversight over a large percentage of businesses and professions in the state, including cosmetologists, court reporters, real estate appraisers and brokers, architects, and engineers. DOL, and the boards and commissions under its oversight, have the authority to issue, deny and revoke licenses under its purview. Current law provides that DOL may deny or revoke a license if a person is convicted of any gross misdemeanor or felony relating to the practice of the person's profession or operation of the person's business.

Summary of Bill: In determining whether a criminal conviction is related to a profession or business licensed by DOL, the department must consider:

- the nature and seriousness of the crime;
- the relationship of the crime to the purposes for requiring a license;
- the extent to which a license might offer an opportunity to engage in further criminal activity; and
- the relationship of the crime to the ability, capacity, or fitness required to perform the duties of the profession.

DOL must review and make recommendations to its existing law and policies to encourage the employment of individuals with criminal convictions while ensuring the safety of the public. In conducting its review, DOL must identify crimes or categories of crimes that relate to the profession, the reasons the crime relates, and any mitigating actions or circumstances that may assist a convicted person in obtaining a license. DOL must ensure the identified crimes are narrowly tailored.

DOL must compile and maintain a guide to assist individuals with criminal convictions in identifying potential avenues of employment and include a list of professions that it licenses and crimes that relate to those professions. DOL must complete the guide and report to the Legislature and the Governor by December 1, 2009.

Appropriation: None.

Fiscal Note: Requested on January 15, 2009.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.